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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

OREGON FIREARMS FEDERATION,)
INC., et al.,)
Plaintiffs,) Civil No.
v.) 2:22-cv-01815-IM
TINA KOTEK, et al.,) (Lead Case)
Defendants.)
(Continued)) Civil No.
) 3:22-cv-01859-IM
) (Trailing Case)
) Civil No.
) 3:22-cv-01862-IM
) (Trailing Case)
) Civil No.
) 3:22-cv-01869-IM
) (Trailing Case)
)

* VIDEOCONFERENCE *

DEPOSITION UPON ORAL EXAMINATION

OF EXPERT

BRENNAN N. RIVAS

Witness located in:
Fort Worth, Texas

* All participants appeared via videoconference *

DATE TAKEN: March 22, 2023
REPORTED BY: Tia B. Reidt, Washington RPR, CCR 2798
Oregon # 22-0001

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1 _____
2 (continued))
3 MARK FITZ, et al.,)
4 Plaintiffs,)
5 v.)
6 ELLEN F. ROSENBLUM, et al.,)
7 Defendants.)
8 _____
9 KATERINA B. EYRE, et al.,)
10 Plaintiffs,)
11 v.)
12 ELLEN F. ROSENBLUM, et al.,)
13 Defendants.)
14 _____
15 DANIEL AZZOPARDI, et al.,)
16 Plaintiffs,)
17 v.)
18 ELLEN F. ROSENBLUM, et al.,)
19 Defendants.)
20 _____
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1 APPEARANCES

2 For Oregon Firearms Federation:

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1 a firearm. Would you liken those to a registration of
2 a firearm?

3 A. It could -- it could function that way. When
4 you think about how those taxes would have been
5 assessed and how they would have been paid, residents
6 would have been expected to turn over a list of the
7 items that they had that were taxable along with the
8 payment for the tax, and they would have paid it to
9 their local tax assessor. So it does sort of function
10 in some ways along the lines of a registration, even
11 though it wasn't labeled that. The purpose was the
12 tax. But one of the net results would have been a list
13 of people within the city limits who owned Bowie knives
14 based on those who paid their tax.

15 Q. Okay.

16 So with that in mind, Section 1 of Measure 114
17 is a permit to purchase system. And the permit system
18 requires the party to obviously not be a convicted
19 felon and some obvious things like that that are not
20 from only historical but more modern times.

21 So is there a -- at least as you reviewed it
22 in your declaration, a historical analog to that type
23 of system that you can point to?

24 A. I'm sorry. I didn't mean to cut you off. So
25 you're asking did I discuss a permit to purchase analog

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1 in my declaration?

2 Q. Correct.

3 A. No, I didn't.

4 Q. Okay.

5 Do you know of any?

6 A. There are permit systems from the 19th
7 century, especially municipal permit regulations that
8 started in California in the -- I think maybe around
9 1870 or so. But like I said, I didn't -- I didn't
10 bring that material into this particular declaration.

11 Q. And the reason for that is the original scope
12 was just simply to look at firearm capacity magazine
13 issues; correct?

14 A. Yes.

15 Q. So in a nutshell, if you were to testify right
16 now in court, what would be your professional opinion
17 about the history around regulating magazine capacity?

18 A. Could you be more specific in terms of what
19 you mean?

20 Q. Is it your impression that the state had the
21 right to regulate it or not, based on the history that
22 you reviewed?

23 A. Large-capacity magazines?

24 Q. Yes.

25 A. Yes.

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C E R T I F I C A T E

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3 STATE OF WASHINGTON

4 COUNTY OF PIERCE

5

6 I, Tia Reidt, a Certified Court Reporter in and
7 for the State of Washington, do hereby certify that the
8 foregoing transcript of the deposition of BRENNAN N.
9 RIVAS, having been duly sworn, on March 21, 2023, is
10 true and accurate to the best of my knowledge, skill and
11 ability. Reading and signing was requested pursuant to
12 FRCP Rule 30(e).

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and seal this 27th day of March, 2023.

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/S/ Tia B. Reidt
Tia B. Reidt, RPR, CCR # 22-0001
NOTARY PUBLIC, State of
Washington.
My commission expires
5/15/2026.

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